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EXAMINER

SHEIKH, ASFAND M

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,756

Applicant(s)

VASIC, STEVAN P.

Examiner

Asfand M. Sheikh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 94-96,99-108,110 and 113-117 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 94-96,99-108,110 and 113-117 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16-Aug-06 has been entered.

Acknowledgements

2. In response to the Remarks/Arguments received on 16-Aug-06: Claims 94-96, 99-108, 110, and 113-117 remain pending for examination. Claims 1-93, 97-98, 109, 111-112 have been cancelled.

3. In light of the amendments made to claims 94-96, 99-101, 103-108, 110, 113, 115-117 new grounds or rejection have been made.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 94-95 and 100-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Georgetown University Employment Services (hereinafter Georgetown) in view of Kravetz et al. United States Patent 6,397,196 (hereinafter 'Kravetz').

As per claim 94, Georgetown discloses a request for a payroll advance against the wages of said employee, wherein said wages have been earned by said employee but not yet paid by an employer of said employee (page 1; lines 22-35); authorizing a distribution of said payroll advance based upon said request (page 1, lines 36-42); distributing said payroll advance to said employee and deducting said payroll advance from future wage payment to said employee (page 2, lines 6-11).

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Georgetown fails to explicitly disclose an electronic request from an employee and authorizing based upon said electronic request.

However Kravetz discloses an electronic request to withdrawal from an employee's account (col. 3, lines 19-40 and col. 4, lines 38-40) and authorizing the withdrawal from an employee's account based upon said electronic request (col. 3, lines 19-40 and col. 4, lines 38-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Georgetown to include electronic request to withdrawal from an employee's account and authorizing the withdrawal from an employee's account based upon said electronic request as taught by Kravetz. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an account, maintained by a financial institution, that provides various advantages in order to maintain an ongoing positive relationship with a customer and financial institution (col. 1, lines 44-48 and lines 64-67).

As per claim 95, Georgetown fails to explicitly disclose wherein said electronic request is received via an automated

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teller machine and said payroll advance is forwarded to said automated teller machine.

Kravetz discloses wherein said electronic request is received via an automated teller machine and said payroll advance is forwarded to said automated teller machine (see col. 4, lines 38-40, "ATM Network").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Georgetown to include wherein said electronic request is received via an automated teller machine and said payroll advance is forwarded to said automated teller machine as taught by Kravetz. The motivation to combine is the same as claim 94, above.

As per claim 100, Georgetown fails to explicitly wherein said distribution is preformed using payroll access resource.

Kravetz discloses wherein said distribution is preformed using payroll access resource (FIG. 2; via Bank 100 and Account 225).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Georgetown to include wherein said distribution is preformed

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using payroll access resource as taught by Kravetz. The motivation to combine is the same as claim 94, above.

As per claim 101, Georgetown fails to explicitly disclose wherein said payroll access resource is one of: a bank account, a credit account, a secondary payroll access account, a shared amount, a trust account, a temporary account, a savings account, and a checking account.

However Kravetz discloses wherein said payroll access resource is one of: a bank account (FIG. 2; via Account 225), a credit account, a secondary payroll access account, a shared amount, a trust account, a temporary account, a savings account, and a checking account.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Georgetown to include wherein said payroll access resource is one of: a bank account, a credit account, a secondary payroll access account, a shared amount, a trust account, a temporary account, a savings account, and a checking account as taught by Kravetz. The motivation to combine is the same as claim 94, above.

As per claim 102, Georgetown fails to explicitly disclose wherein the payroll access resource is an account holding party selected from the group consisting of: the employer, a bank, a credit union, and a third-party financial institution.

Kravetz discloses wherein the payroll access resource is an account holding party selected from the group consisting of: the employer, a bank (FIG. 2; via Bank 100), a credit union, and a third-party financial institution.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Georgetown to include wherein the payroll access resource is an account holding party selected from the group consisting of: the employer, a bank, a credit union, and a third-party financial institution as taught by Kravetz. The motivation to combine is the same as claim 94, above.

As per claim 103, Georgetown discloses wherein said authorizing comprises determining an amount of money available through said payroll advance (page 1, lines 22-42).

As per claim 104, Georgetown discloses wherein said determining an amount of money available through said payroll

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advance is determined before said distribution (page 1, lines 22-42).

As per claim 105, Georgetown fails to explicitly disclose wherein said authorizing comprises charging a transaction fee to said employee.

Kravetz discloses wherein said authorizing comprises charging a transaction fee to said employee (col. 4, lines 10-11; "Interest").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Georgetown to include wherein said authorizing comprises charging a transaction fee to said employee as taught by Kravetz. The motivation to combine is the same as claim 94, above.

As per claim 106, Georgetown fails to disclose wherein said distributing comprises charging a transaction fee to said employee.

However Kravetz wherein said distributing comprises charging a transaction fee to said employee (col. 4, lines 10-11; "Interest").

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Georgetown to include wherein said distributing comprises charging a transaction fee to said employee as taught by Kravetz. The motivation to combine is the same as claim 94, above.

As per claims 107, 108, 110, 114, and 115, The Examiner notes that claims the following claims are substantially similar to those of claims 94-95 and 100-106; and thus are rejected under similar grounds as set forth above by Georgetown in view of Kravetz.

As per claim 116, the Examiner asserts that it is inherent that loan amount available to a user is at least partially based on a relative risk of non-payment during the application process (col. 4, lines 63-67 and col. 5, lines 1-11).

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 96 is rejected under 35 U.S.C. 103(a) as being unpatentable over Georgetown University Employment Services (hereinafter Georgetown) in view of Kravetz et al. United States Patent 6,397,196 (hereinafter Kravetz) as applied to claim 94 above, and in further view of Official Notice.

As per claim 96, the Examiner takes Official Notice that communication via the Internet and telephone was old and well known at the time of the invention.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Georgetown in view of Kravetz with Internet or telephone communication because it is well known in the art, that Internet and telephone communication offer high speed and reliable communication platforms with easy accessibility.

8. Claims 99 and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable Georgetown University Employment Services (hereinafter Georgetown) in view of Kravetz et al. United States Patent 6,397,196 (hereinafter Kravetz) as applied to claim 94 above, and in further view of Risafi et al. United States Patent 6,473,500 (hereinafter Risafi).

As per claims 99 and 113, Georgetown in view of Kravetz fails to explicitly disclose wherein said authorizing distribution comprises at least one of (i) a personal identification number, (ii) a biometric identification, (iii) a password, (iv) an electronic key, (v) a signature verification, (vi) a photo identification to authenticate said employee.

Risafi discloses the use of a PIN for an ATM (col. 7, lines 50-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Georgetown in view of Kravetz to include a PIN as taught by Risaf. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide improved security via the use of a PIN.

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9. Claim 117 is rejected under 35 U.S.C. 103(a) as being unpatentable over Georgetown University Employment Services (hereinafter Georgetown) in view of Kravetz et al. United States Patent 6,397,196 (hereinafter Kravetz) as applied to claim 94 above, and in further view an article by Rusty Cawley, "New Texas Capital product marries payroll, ATMs" (hereinafter Cawley).

As per claim 117, Georgetown in view of Kravetz fails to explicitly disclose charging for employee for payroll advances before the distributing step.

Cawley teaches the use of charging nothing for first payroll advance (see page 2, lines 14-15) and \$1 to \$2 for each additional advance.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Georgetown in view of Kravetz to include charging for payroll advances as taught by Cawley. One of ordinary skill in the art would have been motivated to combine the teachings in order to help pay the cost of the service.

Response to Arguments

10. Applicant's arguments with respect to claims 94-96, 99-108, 110, and 113-117 have been considered but are moot in view of the new ground(s) of rejection.

Official Notice

11. Since the Applicant did not seasonably traverse the well-known (Official Notice) statement as stated in the previous Office Action, The Examiner notes the object of the well-known (Official Notice) statement is taken to be admitted prior art. See MPEP §2144.03.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

Asfand M Sheikh
Examiner
Art Unit 3627

ams
6-Oct-06

Asfand M Sheikh 10/06/06
Primary Patent Examiner